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Letter dated 16 October 2018 from the Permanent Representative of Myanmar to the United Nations addressed to the President of the Security Council

I am writing to you about a matter of great concern to Myanmar with regard to the purported attempt by certain members of the Security Council to invite the fact-finding mission on Myanmar of the Human Rights Council to brief the Council on its report during the seventy-third session of the General Assembly.

Myanmar strongly objects to the invitation of the fact-finding mission for the following reasons:

1. The Government of Myanmar has objected to the fact-finding mission because it has serious and genuine concerns about the advisability, composition and mandate of the mission's establishment. We are also concerned that the release of the report based on narratives and not hard evidence will only serve to inflame tensions further and potentially hinder the Government's efforts to create much-needed social cohesion in Rakhine State. The one-sided report of the mission proved our concerns. The report is clearly detrimental to social cohesion in Rakhine State and undermines the Government's relentless efforts to bring peace, national reconciliation and development to the State.

2. We have a reasonable doubt about the sincerity, independence and motive of the mission. On 27 August 2018, just one day before the Security Council public debate on the situation in Myanmar, the mission released its report in haste, well ahead of the scheduled date of 18 September 2018. Why?

3. On procedural grounds, the invitation to the fact-finding mission, mandated by the Human Rights Council, which is a subsidiary body of the General Assembly, to brief the Security Council is out of procedure and beyond the mandate of the Human Rights Council. Such an exercise, if allowed, will set a bad precedent for the Human Rights Council in the future, with serious negative consequences.

On the question of accountability in Rakhine, the Government of Myanmar has established an Independent Commission of Enquiry, led by Ambassador Rosario Manalo of the Philippines, an eminent diplomat with rich experience in the field of human rights. The Commission also includes Ambassador Kenzo Oshima of Japan, another prominent diplomat, and two highly respected members from Myanmar. The Commission will investigate allegations of human rights violations and related issues, following the terrorist attacks on 9 October 2016 and 25 August 2017 by the Arakan Rohingya Salvation Army (ARSA) in Rakhine State, with a view to seeking accountability and reconciliation. The Commission will conduct its mandate according to the principles of independence, impartiality and objectivity and will

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submit its report within a year. We are willing and able to take on the accountability issues for any alleged human rights violation where there is sufficient evidence. We need to give time and space to the Commission.

The Government of Myanmar is now undertaking as a high priority the preparation of necessary conducive conditions for the safe, voluntary and dignified repatriation of the people who had fled to Bangladesh. In accordance with bilateral agreements and arrangements with Bangladesh, Myanmar has been ready to receive the first batch of verified returnees since January 2018. We welcome the recent statement made by Bangladesh Foreign Minister Ali that Bangladesh will soon repatriate the first batch of 6,000 displaced persons.

During the high-level week of the seventy-third session of the General Assembly, an informal meeting was held that included China, Myanmar and Bangladesh. The Secretary-General was invited and was present at the meeting. At the meeting, a three-point consensus on resolving the issue of displaced persons was reached in a friendly and expeditious manner. As a result of the consensus, a third meeting of the joint working group will be held on 29 and 30 October 2018 in Dhaka to work out detailed arrangements for the first repatriation at an early date.

We are also reaching out to our regional partners in the Association of Southeast Asian Nations for their further assistance in relation to Rakhine State. Recently, we extended an invitation to the ASEAN Troika, comprising the Foreign Ministers of Singapore (the current Chair), the Philippines (the past Chair) and Thailand (the incoming Chair), as well as the Secretary-General of the Association, to Myanmar for the first week of November to exchange views on how the Association can assist Myanmar in addressing the complex issues in Rakhine State.

We are also appreciative of the assistance and cooperation rendered by other neighbouring countries, including China, India and Japan, in the resettlement and rehabilitation of the returnees.

At the same time, we have been continuing our close cooperation with the United Nations. We have signed a memorandum of understanding with the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assisting in the speedy and efficient resettlement and rehabilitation of the returnees. A United Nations team has completed the first phase of a field assessment in 23 villages in northern Rakhine. It is now in the second phase of the field assessment in 26 additional villages.

We are also maintaining constructive engagement with the Secretary-General, and with his Special Envoy in particular, who is currently in Myanmar. The Government has already expressed its agreement to the opening of the office of the Special Envoy during her first visit to Nay Pyi Taw.

We would also like to continue the present mutually respectful and constructive engagement with the Security Council to work together to resolve the humanitarian problems and all the complex issues in Rakhine State. Mutual understanding and cooperation are the only viable way in our common desire to find a sustainable solution to the situation in Rakhine.

Putting accountability above all else without regard for other positive developments is a dangerous attempt that will face utter failure. Unilateral coercive measures without regard for the situation in Myanmar, and the imposition of politically motivated external pressure, will be detrimental to the existing goodwill and the cooperation of the Myanmar Government with the international community. The briefing by the fact-finding mission to the Security Council will not contribute to building peace, harmony, national reconciliation and development in Rakhine State. It will only exacerbate mistrust and polarization among different communities

in Rakhine and damage present constructive engagement between the United Nations and Myanmar.

Therefore, Myanmar always hopes that the involvement of the United Nations in such a complex and sensitive issue should be constructive and helpful to the Government's ongoing efforts towards finding a sustainable solution to the issue of Rakhine State.

I should be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) Hau Do **Suan**
Permanent Representative